

## § 90.1

## 47 CFR Ch. I (10–1–07 Edition)

- 90.1403 Public safety broadband license conditions.
- 90.1405 Shared wireless broadband network.
- 90.1407 Spectrum use in the network.
- 90.1408 Organization and structure of the 700 MHz public/private partnership.
- 90.1410 Network sharing agreement.
- 90.1415 Establishment, execution, and application of the network sharing agreement.
- 90.1420 Failure to comply with the NSA or the Commission's rules.
- 90.1425 Resolution of disputes after grant of the upper 700 MHz D block license.
- 90.1430 Local public safety build-out and operation.
- 90.1432 Conditions for waiver to allow limited and temporary wideband operation in the 700 MHz public safety spectrum.
- 90.1435 Prohibition on discontinuance of public safety operations.
- 90.1440 Reporting obligations.

AUTHORITY: Sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7).

SOURCE: 43 FR 54791, Nov. 22, 1978, unless otherwise noted.

### Subpart A—General Information

#### § 90.1 Basis and purpose.

(a) *Basis.* The rules in this part are promulgated under Title III of the Communications Act of 1934, as amended which vests authority in the Federal Communications Commission to regulate radio transmission and to issue licenses for radio stations. All rules in this part are in accordance with applicable treaties and agreements to which the United States is a party.

(b) *Purpose.* This part states the conditions under which radio communications systems may be licensed and used in the Public Safety, Industrial/Business Radio Pool, and Radiolocation Radio Services. These rules do not govern the licensing of radio systems belonging to and operated by the United States.

[43 FR 54791, Nov. 22, 1978, as amended at 65 FR 66650, Nov. 7, 2000]

#### § 90.5 Other applicable rule parts.

Other Commission rule parts of importance that may be referred to with respect to licensing and operations in radio services governed under this part include the following:

(a) Part 0 of the Commission's Rules describes the Commission's organization and delegations of authority. This part also lists available Commission publications, and standards and procedures for access to Commission records, and location of Commission Field Offices.

(b) Part 1 includes rules of practice and procedure for the filing of applications for stations to operate in the Wireless Telecommunications Services, adjudicatory proceedings including hearing proceedings, and rulemaking proceedings; procedures for reconsideration and review of the Commission's actions; provisions concerning violation notices and forfeiture proceedings; and the environmental processing requirements that, if applicable, must be complied with prior to initiating construction.

(c) Part 2 contains the table of frequency allocations and special requirements in International regulations, agreements, and treaties. This part also contains standards and procedures concerning marketing of radio frequency devices, and for obtaining equipment certification.

(d) Part 5 contains standards and procedures for obtaining experimental authorizations.

(e) Part 15 provides for the operation of incidental and restricted radio frequency devices that do not require an individual license.

(f) Part 17 contains detailed requirements for construction, marking, and lighting of antenna towers.

(g) Part 18 deals with the operation of industrial, scientific, and medical (ISM) devices that are not intended for radio communication.

(h) Part 20 contains rules relating to commercial mobile radio services.

(i) Part 20 which governs commercial mobile radio service applicable to certain providers in the following services in this part:

- (1) Industrial/business pool.
- (2) Private paging;
- (3) Land mobile service on 220–222 MHz;
- (4) Specialized Mobile Radio Service.
- (j) Part 22 contains regulations for public (common carrier) mobile radio services.

## Federal Communications Commission

## § 90.7

(k) Part 51 contains rules relating to interconnection.

(l) Part 68 contains technical standards for connection of private land mobile radio equipment to the public switched telephone network.

(m) Part 101 governs the operation of fixed microwave services.

[43 FR 54791, Nov. 22, 1978, as amended at 50 FR 39677, Sept. 30, 1985; 55 FR 20398, May 16, 1990; 58 FR 21407, Apr. 21, 1993; 59 FR 18499, Apr. 19, 1994; 59 FR 59957, Nov. 21, 1994; 61 FR 45635, Aug. 29, 1996; 63 FR 36608, July 7, 1998; 63 FR 68958, Dec. 14, 1998; 72 FR 35190, June 27, 2007]

EFFECTIVE DATE NOTE: At 72 FR 48858, Aug. 24, 2007, § 90.5 was amended by revising paragraphs (k), (l) and (m) and adding paragraph (n), effective October 23, 2007. For the convenience of the user, the added and revised text is set forth as follows:

### § 90.5 Other applicable rule parts.

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(k) Part 27 contains rules relating to miscellaneous wireless communications services.

(l) Part 51 contains rules relating to interconnection.

(m) Part 68 contains technical standards for connection of private land mobile radio equipment to the public switched telephone network.

(n) Part 101 governs the operation of fixed microwave services.

### § 90.7 Definitions.

**220 MHz service.** The radio service for the licensing of frequencies in the 220–222 MHz band.

**800 MHz Cellular System.** In the 806–824 MHz/ 851–869 MHz band, a system that uses multiple, interconnected, multi-channel transmit/receive cells capable of frequency reuse and automatic hand-off between cell sites to serve a larger number of subscribers than is possible using non-cellular technology.

**800 MHz High Density Cellular System.** In the 806–824 MHz/ 851–869 MHz band, a high density cellular system is defined as a cellular system which:

(1) Has more than five overlapping interactive sites featuring hand-off capability; and

(2) Any one of such sites has an antenna height of less than 30.4 meters (100 feet) above ground level with an antenna height above average terrain (HAAT) of less than 152.4 meters (500

feet) and twenty or more paired frequencies.

**900 MHz SMR MTA-based license or MTA license.** A license authorizing the right to use a specified block of 900 MHz SMR spectrum within one of the 47 Major Trading Areas (“MTAs”), as embodied in Rand McNally’s Trading Areas System MTA Diskette and geographically represented in the map contained in Rand McNally’s Commercial Atlas & Marketing Guide (the “MTA Map”), with the following exceptions and additions:

(1) Alaska is separated from the Seattle MTA and is licensed separately.

(2) Guam and the Northern Mariana Islands are licensed as a single MTA-like area.

(3) Puerto Rico and the United States Virgin Islands are licensed as a single MTA-like area.

(4) American Samoa is licensed as a single MTA-like area.

The MTA map is available for public inspection in the Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC.

**Antenna height above average terrain (AAT).** Height of the center of the radiating element of the antenna above the average terrain. (See § 90.309(a)(4) for calculation method.)

**Antenna height above sea level.** The height of the topmost point of the antenna above mean sea level.

**Antenna structure.** Structure on which an antenna is mounted.

**Assigned frequency.** Center of a frequency band assigned to a station.

**Assigned frequency band.** The frequency band the center of which coincides with the frequency assigned to the station and the width of which equals the necessary bandwidth plus twice the absolute value of the frequency tolerance.

**Authorized bandwidth.** The frequency band, specified in kilohertz and centered on the carrier frequency containing those frequencies upon which a total of 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power.

**Automobile emergency licensee.** Persons regularly engaged in any of the following activities who operate radio